



FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ OCT 22 2020 ★
BROOKLYN OFFICE

20-CV-5111

VITALIANO, J.
BLOOM, M.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Donald Graves

Write the full name of each plaintiff.

No. _____

(To be filled out by Clerk's Office)

-against-

COMPLAINT

(Prisoner)

U.S. Government

Rikers Island; Sing Sing;

Bellevue Hospital; mid-Hudson; Dr. Seltzer Attica

Psyche Hospital; Marcy Psyche Hospital

max Prison

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: Fifth Amendment, Punished for same crime twice

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

First Name

Middle Initial

Last Name

DonaldGRAVES

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

2676-2018, 096-096-2019, NYSID: 1412001415

Current Place of Detention

09-09 Hazen ST. ELmhurst ST, Kew Garden 1137

Institutional Address

09-09 East ELm hurst, ST, Kew Gardens 11370

County, City

State

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☒ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

DR SELTZER
 First Name Last Name Shield #
DOCTOR, PSYCHIATRIST
 Current Job Title (or other identifying information)
ATTICA MAXIMUM STATE PRISON
 Current Work Address

County, City State Zip Code

Defendant 2:

MATHEW D'EMIC
 First Name Last Name Shield #
JUDGE
 Current Job Title (or other identifying information)
320 DAY ST
 Current Work Address

KINGS NEW YORK 11216
 County, City State Zip Code

Defendant 3:

P.O. BLACK SPO JOHNSON
 First Name Last Name Shield #
P.O. S.P.O.
 Current Job Title (or other identifying information)
MANHATTAN VI AREA OFFICE, 314 WEST 46TH ST
 Current Work Address

NEW YORK, N.Y. 10018
 County, City State Zip Code

Defendant 4:

First Name Last Name Shield #
 Current Job Title (or other identifying information)
 Current Work Address

County, City State Zip Code

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

OCT 17th, 2020
 Dated
Donald
 First Name
Graves
 Middle Initial
Mr. Graves, Donald
 Plaintiff's Signature
Graves
 Last Name
09-09 Hazen St.
 Prison Address
Elmhurst, Kew Gardens N.Y. 11370
 County, City State Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: 10-11-2020

In The United States OF America

Law Suit And Complaint OF: One, MR. Graves, Donald
Age 60 years old, "a Black man." Home Address:
997 DeKalb Avenue, Apartment 2G, Brooklyn,
New York City, Zip Code 11216.

Plaintiff: One, MR. Graves, Donald is herein
confronting a Harsh and Immoral
Case OF: "Double Jeopardy" imposed upon him or
me by the United States Government, its People
and, their Employing Businesses, Hospitals,
Mid-Hudson, Marcy Central Psychiatric Hospital(s),
For falsely accusing me of suffering from some
sought of mental illness, (schizophrenia, and,
Psychotic Dis. order, which is the result of my
being unlawfully and inhumanly subjected to an
Immoral Twenty Five To Life term of False imprison-
ment dating back to the year of ~~1983~~ 1984, starting
at Attica, Maximum State Prison... Din No. # 84-A-2965
84-A-2965. In Reference to a seven count
Felony murder conviction which was Lawfully
Dis-missed by the United States Court of Appeal(s)
on Appeal during the year of 1987, AT which
Time, I, one, MR. Graves, Donald, was Released
From Greene Haven Maximum State Prison,
and Place on Parole which ended In March, 10th,
during the year 1992!! A Five million Dollar...

... Law suit was supposed to have been endorsed in connection with the dismissal of The seven count Felony Indictment and it's 1987 Law suit and dismissal of the 1984, 84-A-2965, murder conviction(s)?! on Appeal!

To date, I, one, Mr. Graves Donald, age 60, sixty years old, a Black man, have NOT received any of the Five million dollar Law suit Filed in connection to the 1983-84, Felony murder Indictment, Dismissal, and, Endorsement By Judge. Quigley, 1987 was the year of the Law suit Judge Quigley is known to have endorsed it. However, today, and date, July 4th, of the year(s) Two Thousand Twenty, I, one, Mr. Graves, Donald, age, 60, a Black man, have NOT received a single penny of such a Law suit yet! "I, hereandnow, demand that, I, one, Mr. Graves, Donald, Be Granted immediately" the Five million Dollars won in The Law suit endorsed by Judge, Quigley to me. one, Mr. Graves, Donald, during the year(s) of: "1987"! A Law suit that challenged and defeated a seven count murder conviction that sentenced me to Twenty Five To Life imprisonment..". Indictment # 84-A-2965, Ronald J. Aiello, Sentencing Judge!!

In giving the situation more thought, The 1984 Law Suit which was endorsed, By Judge, Quigley, it would probably be correct to say Judge, Quigley is a District Court Judge, NOT that it prevented him from endorsing the Law Suit?! It's simply wondered where is it he sent, or, when is it he plans to send me my won money of Five million Dollars!! New Case: 2676-2018!

Case of: One, MR. Graves, Donald, age 60.

Sixty For the amount of Five ~~hundred~~ Million Dollars American cash in reference to several cases unlawfully used to impose me to an unlawful Prison Sentence of one to three years imprisonment and, an unlawful Parole Program which unlawfully is expected to last or, extend from the year of: 2016-2018-to: 2030, For a misdemeanor Infraction: CPLR. 240.75, "CPLR. 215.50" that, I've already served an incarcerated confinement term of one year, The maximum amount of confinement time I, or, any citizen of the United States American Government can do upon being found guilty and convicted in a court of Law by licensed Judge here in The United States of America!!!

New Case, Case of: 2676-2018...

1) Unlawful Imprisonment whereby, I, one, Mr. Graves, Donald, was unlawfully made to serve a one to three year Prison Bid in Sing Sing maximum State Prison for a misdemeanor infraction in which Law only allows or, permits there to be a year of incarceration or, confinement served... "Maximum"! Nevertheless, I, one, Mr. Graves, Donald, was unlawfully made to do a period of seventeen months in Sing Sing maximum State Prison from which time began April 26th 2018 - which resulted in an unlawfully imposed Conditional Release And, Parole Treatment Program that started March 27, 2019/2020.

I was unlawfully placed under the said Parole Supervision of Parole Officer, Black, and, Officer, Johnson, whom unlawfully worked out of the Assigned Bureau of Manhattan VI, 314 West 40th Street, NY, NY, 10016, whereby, I, one, Mr. Graves, Donald, Am a Resident of Brooklyn, Bedford Stuyvesant... The Borough in which the case is said to have originated, However, there exist no Record or, documents of this case? ever being before a Criminal Court Judge located at: 120 Schermerhorn Street.

... BROOKLYN, NY. 11201. New York State
COURTS, CRIMINAL COURT, County of Kings!
11201.

For, There is no way a misdemeanor
Infraction that was never introduced as a
Crime in a Criminal Court. Be entertained
By a Supreme Court Judge: Judge, Demie,
Matthew W. who falsely and, unlawfully
Attempt to change the misdemeanor into a
Felony charge which unlawfully is suggested
By the said Defense Lawyer: Dane. Fiorvante,
The District Attorney, both of whom don't
Register in the United States Court Guide -
City, State, and Federal Courts Unified Court
System, and, Administrative Board of Courts

Such makes this entire case "Bogus",
"False" a lie and forgery and it's indulging
Participants a bunch of imposters, "Phonies",
Un-Licensed illegitimate "Perpetrators",
Impersonators... spies... Foreign Agents...
Terrorists?!? IF this is NOT True, you, The
President of The United States of America will
Grant me the ~~Five~~ ^{FIFTEEN} Million Dollars that,
I, one, Mr. Graves, Donald, demand be awarded
me here in this Law suit and Complaint, and,
order that I be released from my presently
held captive/Hostage situation here on Rikers I.S,

... and, allowed to go home to my wife whom I love very much!

Again, I, one, MR. GRAVES, Donald, age 60, a Black man am being held unlawfully on Rikers Island in a Dorm Area, in which I'm more than sure, can't be for. Adult men with mis-demeanor infraction, nor, Felony charges or any form of charges whatsoever,

For, Adult men in confinement are suppose to be on Galleries or tiers housed in one man cells!!! Nothing Else! So Please, Free me of this insane and inhumane Punishment I'm presently being exposed to unlawfully and, Immorally!!!

most Important is the fact that I'm being held on Riker Island AMKC whereby I was unlawfully transferred from Manhattan Correctional Facility in the middle of the night without being finger printed... "Nor" was I taken a picture of, or, given a picture identification card to wear on my clothing around the facility that I'm not allow privilege to move about! I'm also made to wear tan clothing which does not have button or zippers as adult men prisoners clothing is suppose to have, just as they are suppose to be all greens w/ lace up Boots

Page 7

... "with Lace-up Boots and sneakers, not, slip-on sneakers, and, or, strap close sneakers." In my view, the clothing I've received here at Rikers Island is for either women or, some sort of Trans-Gender ?? Some kind of mixture of male and female gender in which I, one, Mr. Graves, Donald, age, 60, a Black man am NOT!!! Therefore, I, one, Mr. Graves, Donald, demand that, you order I be released from this insulting hostage situation in which my wife, often or more years today and date, Mrs. Adell Lavern, Chance, Graves, has mis-guidedly wrongfully, blindly allowed her ^{LET} so-called friends talk her into falsely locking me up for immoral sexual or perverted excuses! NOT! Because I have harmed her in any form or fashion... "mentally, nor, physically!! Besides I paid rent to Mr. Virgil Chance, man of the Apartment... "NOT" Adell, or, Lavern, Chance,

She is or was only acting to impress a bunch of jealous individuals she mis-takenly thought was or were her friends! A total lie, for, they all are constantly trying to destroy the one and only love affair she has ever known! I know, that's why her so-called friends are always trying to turn her against me by lying to her about me... when they know different!

From: One, Mr. Graves, Donald, Age: 60

A Black man! Unlawfully Imprisoned!

Rikers Island, AMKC, mode 12, Bed 10, / Dorm 12

NYSID: # 04386748H - DIN #, 19A3033,

LocTN: AMKC! Plain

BOOK & Case # 14/2001415

Old
Stupid!

"If"?

They can't except you Being
happy!!

Leave Them Alone!
I guarantee, you'll find yourself
To Be a lot happier"

With me at
often!

You and I alone!

Try it and
see
Try
us!

"Housing Area"

Page(8) Beyond being unlawfully imprisoned, whereby, I'm now incarcerated or confined for this same charge CPLR. 215.50, Law Demands that, I, one, MR. Graves, Donald, Be Released from my present confinement here on Rikers Island, For, whereby, my wife Mrs. Adell, Lavern, Chance, Graves, has never filed any criminal charges against me regarding this charge ~~Said~~ to date Back to the year of 2016 and carry a maximum confinement Penalty of one year!

I, one, MR. Graves, Donald, age 60, a Black man should be granted immediately the Five million dollars demanded in American Dollars whereby the year 2016 and the maximum amount of confinement time allowed this charge or infraction; one year, and today's present day July year(s) of 2020 In which there is an immoral attempt to Recycle and Recharge and or, imprison me for a charge I've already served time for breaks The Law. The same as it violates my Constitutional Amendment Rights several different ways!!! Reward and Release is demanded Lawfully!!!

The United States of America

(1)

"Law Suit And Complaint"

Do Be Advised, That, I one, Mr. Graves, Donald
Do File this Law suit and complaint against the
United States of America, its Court Systems, Prison
Systems, and, Hospitals... Medical and Mental
Departments!! For the Following Reasons; and,
OR Constitutional Amendment Rights violations:

1. False AND OR UNLAWFUL Imprisonment. Hospitalization

During the years of 1983, through the present
years of 2020, I, one Mr. Graves, Donald, of
Black origin, age: 60 years old, was unlawfully
charged with a seven Court Felony murder

Indictment... ~~charged~~ and, sentenced to a term
of Twenty Five to Life Imprisonment In which
I, one, Mr. Graves, Donald, now age 60 years old,
Appealed... Resulting In all the charges Being
Dismissed whereby ~~the~~ I was not found guilty
of the Greater charge of murder!!!

Along with this appeal, I, one, Mr. Graves,
Donald, also filed a Five million Dollars Law
suit which was said to have been endorsed
By one, Judge, Quigley of the United States
District Court!/? Federal Court!/? Appeal Court!
Supreme Court!/? Criminal Court!/? In Any
Event, The seven court murder conviction was
over-Turned, and, I, one, Mr. Graves, Donald, was
Freed of A falsely imposed four court murder conviction

DATE:

"FIRST of all, my Being at the Chance Residence is TOTALLY Legat whereby I Rented a Room FROM Mr. Chance and he was my DRINKING Buddy!"

Second, I was asked By Mr. Chance to take care of his Daughter... Adeh. Chance.

Therefore, I had/have every Right to Be at the apartment DOOR of the Chance Family. For, it's very much my apartment as it is anyone ELSEs... "By Law."

"The Districts Attorney's Pursuit For a Criminal Contempt charge is TOTALLY difective... Force of hand whereby he has denied me all CONTACT and communication with my wife."

I Further Find the D'A's use of my medical Records an abuse of my constitutional Rights whereby They have mis-diagnosed me and subjected me to unhealthy Treatment! "How.?"

"How? 1) They have Forced me to take Drugs that often expose me to having Physical Cramps, Head aches, mixed thoughts or Confused thoughts; Causes me to become Tongue Ties, ect. ect. Their holding me Confined in isolated mental health Housing is very much Kidnapping... isolated Housing! Their court order is a Forgery, NON-Realistic."

I Received a letter, informing me that the Din number to my case had changed, something I find to Be TERRIBLY illegal and Reason to Grant this case in FAVOR OF The Plaintiff."

Furthermore, every time I'm confronted by Law enforcement, or Court matters, I'm Forced to take Psychological Evaluation due To a mis-diagnosis... Rendered upon me ~~By~~ the year 1987 By one DR. Seltzer which stated that I was Schizophrenic and suffering Psychotic Disorder." Such a diagnosis was Rendered Because I attempted to kill myself which was the Result of the Supreme Court Justice, Ronald, Aiello sentencing me to a Term of Twent Five to Life imprisonment in which I One, Donald, Graves was NOT willing to do at The age of Twent Four. Upon submitting an appeal. Reversal of the case Resulted in my Being offered a 12 TO 24 year Burglary Ple Bargain. in which I accepted. Case Numbers: 84-A-2965 Accepted For the Purpose of Gaining ones Freedom.

Whereby I Proved this case NOT To have any valid Grounds or Foundation To establish a Felony charge, OR means For building a mental HEALT Problem. Where they Both Lack evidence To explain their Tresspassing: No evidence No case... INTO my Life I one Donald Graves, Do, herein and hereby demand that I Be Awarded the money Amount of \$15 million dollars Cash American Dollars, OR, check, and, Released a Free man to go home to my wife Mrs. Adel, chance, Graves, Immediately." To the Government and State, No murder Weapon; NO Body; NO Complaining witness in case For Order of Protection. Ask For Entire case To Be Dismissed! Where case of 1987 appeal and Law suit case was won Plaintiff Demand Award Be Granted him, case of Judge "Quigley" Law suit That accompanied "Appeal".

[Redacted content]

Whereby the murder conviction was dismissed and, the Law suit endorsed, I, one, Donald, Graves, should have been awarded the Five million Dollars which was Endorsed By Judge Quigley." Yet, ~~I have~~ ~~not~~ To this Day and Date "... ~~June 24th~~ July 4th 2020, I, one, Mr. Graves, Donald, have not received A single Penny of the money won in the Law suit that Accompanied, my seven counts Felony indictment and conviction which was dismissed ^{ON} Appeal

Case of: Ronald, J. Aiello, 1983-1984-1985 ^{84-A-2965}
Appeal Case of: Judge, Quigley, 1984-1987-1992
Being the year In which I was unlawfully Paroled to a ~~Manhattan Parole Officer, P.O. Black-~~
~~where~~ whereby the felony murder was dismissed
???

Furthermore, my Constitutional Amendment Rights were, and, are Being violated, whereby I have as a result of this or these Felony charge(s) been falsely labeled as having some sort of mental illness, slandered in name and intelligence and, unlawfully forced to take psychotropic drugs by governmental hospital employees or, doctors, which has resulted in my suffering very damaging physical body injuries!!! Ever since the doctors of the United States hospital system have slandered my good name, I've experienced nothing but unlawful

Won't be long (won't be long)
Freedom (freedom)
Freedom come (freedom come)
Hold on (hold on)
Won't be long (won't be long)
Freedom (freedom)
Freedom come (freedom come)
Hold on (hold on)
Won't be long (won't be long)
Freedom (freedom)
Freedom come (freedom come)
Hold on (hold on)
Won't be long (won't be long)
Freedom (freedom)
Freedom come (freedom come)
Hold on (hold on)
Won't be long (won't be long)
Freedom (freedom)
Freedom come (freedom come)
Hold on (hold on)
Won't be long (won't be long)
Freedom (freedom)
Freedom come (freedom come)
Hold on (hold on)
Won't be long (won't be long)
Freedom (freedom)
Freedom come (freedom come)
Hold on (hold on)
Won't be long (won't be long)
Freedom (freedom)
Freedom come (freedom come)
Hold on (hold on)
Won't be long (won't be long)
Oh, freedom, won't be long

Source: [LyricFind](#)

Songwriters: Lonnie Rashid Lynn / Robert Andre Glasper / Emmanuel Karriem Riggins
Letter to the Free lyrics © Kobalt Music Publishing Ltd., BMG Rights Management

Case 1:20-cv-05111-ENV-LB Document 1 Filed 10/22/20 Page 22 of 25 PageID #: 22
Mental Hospitalizations and Demands to (3)
Participate in unnecessary Psychiatric-
~~and~~ Medical, Drug, ALCOHOLIC, Treatment
Programs in which I One, MR. GRAVES, DONALD,
OF 60 years OLD of age DONOT Need!

Such demands are Total insults, and, They
all violate my constitutional Amendment Rights
of the United States, and, I, One, MR. GRAVES,
DONALD, Herein and now, Demand By Law that
Such ~~Treat~~ Harsh and Immoral, uncivilized
Treatment and Unlawful Actions, uncivilized
Actions, Behaviors, Be dis-continued Towards
me, and, I One, MR. GRAVES, DONALD, Be awarded
The monetary / money Amount of Five Hundred
Billion Dollars cash American Dollars For
having suffered enormous Physical and mental
Pains at the hands of the American Government
and, It's, Prison and Hospital System(s) and, it's
employers, Employees working therein! / I
Further demand to Be Released From an unlawful
Form of servitude, imprisonment and, allowed to
go free of such harsh enslavement, imprisonment
Now Being held to or in, on Rikers Island, module 12
OR, Dorm 12 whereby the housing area has approximately
Forty steel Beds in one Big Bed Room, A Recreation and
OR Television Room, and, a Bath Room which Does NOT
have any urinals For men!! The Uniforms are Tan,
They donot Have pockets on the clothings parts or shirts,
NOR, Do the shoes and sneakers Have strings ~~no~~ BELT!!

Songwriters: Lonnie Rashid Lynn / Robert Andre Gasper / Emmanuel Karriem Riggins
Letter to the Free lyrics © Kobalt Music Publishing Ltd., BMG Rights Management

From: Mr. Graves, Donald
09-09 Hazen St, 11B Hsq Unit.
East Elmhurst, 11370
Facility: G.R.V.C.



United States District Court
Eastern District, Brooklyn,
225 Cadman Plaza East
Brooklyn, N.Y. 11201
Date: Oct. 12th 2020.



